United Nations A/HRC/RES/31/32

General Assembly

Distr.: General
20 April 2016

Original: English

Human Rights Council
Thirty-first session
Agenda item 3

Resolution adopted by the Human Rights Council on 24 March 2016

31/32. Protecting human rights defenders, whether individuals, groups or organs of society, addressing economic, social and cultural rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Recalling General Assembly resolution 53/144 of 9 December 1998, by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Recalling also all other previous resolutions on this subject, including Human Rights Council resolutions 22/6 of 21 March 2013 and 25/18 of 28 March 2014, and General Assembly resolutions 68/181 of 18 December 2013 and 70/161 of 17 December 2015,

Reaffirming the importance of the Declaration and its full and effective implementation, and that promoting respect, support and protection for the activities of human rights defenders, including women human rights defenders, is essential to the overall enjoyment of human rights,

Recalling that the Vienna Declaration and Programme of Action, the 2005 World Summit Outcome and General Assembly resolution 60/251 of 15 March 2006, in which the Assembly established the Human Rights Council, all affirm that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing and must be treated in a fair and equal manner, on the same footing and with the same emphasis, and recalling also that the promotion and protection of one category of rights should never exempt States from the promotion and protection of other rights,

Recalling also the annual high-level panel discussions held at the thirty-first session of the Human Rights Council on human rights mainstreaming, with its theme "The 2030 Agenda for Sustainable Development and human rights", with an emphasis on the right to development, and on the fiftieth anniversary of the International Covenants on Human Rights,

Noting the statement given by the Special Rapporteur on the situation of human rights defenders during the interactive dialogue with the Human Rights Council at its thirty-first session, and deeply regretting the assassination, following death threats, of persons addressing human rights in the context of land and environmental issues, including indigenous leaders,

Noting also that previous resolutions on the present subject pertain to the promotion and protection of civil, political, economic, social and cultural rights,

Reaffirming that States have the primary responsibility and are under the obligation to protect all human rights and fundamental freedoms of all persons,

Reaffirming also that everyone has the right, individually and in association with others, to promote and strive for the realization of human rights and fundamental freedoms, including all civil, political, economic, social and cultural rights,

Welcoming the steps taken at the national level to implement economic, social and cultural rights, including the enactment of appropriate legislation and adjudication by national courts,

Recognizing the positive, important and legitimate role of human rights defenders in promoting and advocating the realization of all economic, social and cultural rights, including by engaging with Governments and contributing to the efforts in the implementation of the obligations of States in this regard, and welcoming the steps taken by some States to create a safe and enabling environment for the defence of human rights,

Stressing that everyone, individually and in association with others, shall be free to determine themselves which rights to address, at the local, national, regional and international levels, through the exercise of their rights, including through advocacy, reporting and seeking information on human rights violations and abuses by States and non-State actors,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement, and in order to bring to an end all forms of discrimination and oppression wherever they occur, and welcoming also the work of human rights defenders in that regard,

Mindful that domestic law and administrative provisions and their application should not hinder but enable the work of human rights defenders, including by avoiding any criminalization or stigmatization of the legitimate role and important activities, consistent with the Declaration, of human rights defenders and the communities of which they are a part or on whose behalf they work, and by avoiding impediments, obstructions, restrictions or selective enforcement thereof contrary to relevant provisions of international human rights law,

Underscoring that the legal framework within which human rights defenders work peacefully to promote and protect human rights and fundamental freedoms is that of national legislation consistent with the Charter and international human rights law,

Deploring the use of policies and legislation that restrict, hinder or limit the activities of human rights defenders in contravention of relevant provisions of international human rights law, and judicial harassment or threat thereof against human rights defenders, including those addressing economic, social and cultural rights, and underlining the obligation of States to prevent and stop such practices,

Underlining the fundamental importance of access to justice through an independent and impartial judiciary,

Underscoring the importance of access to information, including on alleged violations and abuses of human rights, and of the full and effective participation of individuals, groups and organs of society, including human rights defenders, in consultations, decision-making processes and, where relevant, implementation efforts related to legislation, policies, programmes and projects, with a view to mainstreaming, promoting and protecting human rights,

Expressing grave concern at the serious nature of risks faced by human rights defenders, their family members, associates and legal representatives, including threats, attacks and acts of intimidation and reprisal against them in different parts of the world, and gravely concerned about the resulting negative impact on the realization of economic, social and cultural rights, including violations and abuses in this regard,

Expressing grave concern also at the observations and findings of the Special Rapporteur on the situation of human rights defenders that human rights defenders addressing environmental and land issues and corporate responsibility, those working on governance issues, promoting transparency and accountability, and those exposing discrimination, corruption and violence at the hands of States, business enterprises and other non-State actors, are among those human rights defenders who are most exposed and at risk, and noting with grave concern also the findings of the Working Group on Enforced or Involuntary Disappearance that the practice of enforced disappearance is often used to repress and intimidate human rights defenders and prevent others from claiming and exercising their economic, social and cultural rights,

1. *Stresses* that the right of everyone, individually and in association with others, to promote and strive for the protection and realization of all human rights and fundamental freedoms, in accordance with the Declaration,[1] without retaliation or fear thereof is an essential element in building and maintaining sustainable, open and democratic societies, and reaffirms the urgent need to respect, protect, promote and facilitate the work of those defending economic, social and cultural rights as a vital factor contributing towards the realization of those rights, including as they relate to environmental and land issues and development;

2. *Calls upon* all States to take all measures necessary to ensure the rights and safety of human rights defenders, including those working towards the realization of economic, social and cultural rights and who, in so doing, exercise other human rights, such as the rights to freedom of opinion, expression, peaceful assembly and association, to participate in public affairs, and to seek an effective remedy;

3. *Welcomes* the work of the Special Rapporteur on the situation of human rights defenders, and notes with appreciation the attention given to the promotion and protection of economic, social and cultural rights, including in relevant reports of the mandate holder over time;[2]

4. *Urges* all States to acknowledge in public statements at the national and local levels, and through laws, policies or programmes, the important and legitimate role of human rights defenders, including women human rights defenders, in the promotion of human rights, democracy and the rule of law in all areas of society, in urban and rural areas, as essential components of ensuring their recognition and protection, including those promoting and defending economic, social and cultural rights;

[1] General Assembly resolution 53/144, annex

[2] A/HRC/4/37, A/HRC/19/55, A/68/262, A/70/217.

5. *Strongly condemns* the reprisals and violence against and the targeting, criminalization, intimidation, arbitrary detention, torture, disappearance and killing of any individual, including human rights defenders, for their advocacy of human rights, for reporting and seeking information on human rights violations and abuses or for cooperating with national, regional and international mechanisms, including in relation to economic, social and cultural rights;

6. *Calls upon* all States to combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against any individual, group or organ of society that is defending human rights, including against family members, associates and legal representatives, and by condemning publically all cases of violence, discrimination, intimidation and reprisals against them;

7. *Recognizes* the importance of the independent voice of human rights defenders and other civil society actors, and of partnerships between States and civil society in promoting, protecting and realizing all human rights, including economic, social and cultural rights, and the right to development, and in the context of the implementation of the 2030 Agenda for Sustainable Development;

8. *Emphasizes* the importance of national protection programmes for human rights defenders, and encourages States to consider, as a matter of priority, enacting relevant legislative and policy frameworks to this end, in consultation with human rights defenders, civil society and relevant stakeholders, taking into account, inter alia, the principles presented by the Special Rapporteur on the situation of human rights defenders;[3]

9. *Continues to express particular concern* about systemic and structural discrimination and violence faced by women human rights defenders of all ages, and calls upon all States to give effect to the principles and objectives established by the General Assembly in its resolution 68/181 by protecting the rights of women human rights defenders and by integrating a gender perspective into the efforts to create a safe and enabling environment for the defence of human rights, including economic, social and cultural rights;

10. *Underlines* the legitimate role of human rights defenders in mediation efforts, where relevant, and in supporting victims in accessing effective remedies for violations and abuses of their economic, social and cultural rights, including for members of impoverished communities, groups and communities vulnerable to discrimination, and those belonging to minorities and indigenous peoples;

11. *Stresses* that legislation affecting the activities of human rights defenders and its application must be consistent with international human rights law, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and guided by the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in this regard recognizes the urgent need to review and amend policies or legislation that have the effect of limiting the work and activities of human rights defenders in contravention of international human rights law;

12. *Recognizes* that, in the exercise of the rights and freedoms referred to in the Declaration, human rights defenders, acting individually and in association with others, shall be subject only to such limitations as are in accordance with applicable international obligations and are determined by law solely for the purpose of securing due recognition

[3] See A/HRC/31/55.

and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society;

13. *Calls upon* all States to ensure that information held by public authorities, including with respect to economic, social and cultural rights, and as related to environmental, land, natural resources and development issues, is proactively disclosed and not unnecessarily classified or otherwise withheld from the public, and also calls upon all States to adopt transparent, clear and expedient laws and policies that provide for the effective disclosure of information held by public authorities and a general right to request and receive information, for which public access should be granted, except within narrow, proportionate, necessary and clearly defined limitations;

14. *Also calls upon* all States to promote and enable public participation, and to promote transparency, accountability and effective governance, in the prevention of and the fight against corruption involving State officials, business representatives and other non-State actors, and in raising public awareness regarding the existence, causes and gravity of and the threat posed by corruption, including all possible impact on the enjoyment of economic, social and cultural rights, and further calls upon all States to respect, promote and protect the freedom of everyone to seek, receive, publish and disseminate information concerning corruption, including by protecting the actors doing so, including human rights defenders;

15. *Recognizes* the important and legitimate role of individuals, groups and organs of society that are defending human rights in identifying and raising awareness of human rights impacts, the benefits and risks of development projects and business operations, including in relation to workplace health, safety and rights, and natural resource exploitation, environmental, land and development issues, by expressing their views, concerns, support, criticism or dissent regarding government policy or action or business activities, and underlines the need for Governments to take the measures necessary to safeguard space for such public dialogue and its participants;

16. *Encourages* non-State actors to respect and promote the human rights and fundamental freedoms of all persons, including their economic, social and cultural rights, and to refrain from actions that undermine the capacity of human rights defenders to operate free from hindrance and insecurity, and encourages leaders in all sectors of society to express public support for the important and legitimate role of human rights defenders, including women human rights defenders;

17. *Underscores in this regard* the responsibility of all business enterprises, both transnational and others, to respect human rights, including the rights to life, liberty and security of person of human rights defenders, and their exercise of the rights to freedom of expression, peaceful assembly and association, and participation in public affairs, which are essential for the promotion and protection of all human rights, including economic, social and cultural rights, and the right to development;

18. *Encourages* business enterprises of all categories to avoid, identify, assess and address any adverse human rights impact related to their activities through meaningful consultation with potentially affected groups and other relevant stakeholders in a manner consistent with the Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework,[4] and underlines the importance of accountability, including of all business enterprises, both transnational and others, including their provision of or cooperation in remedial action, and also encourages all business enterprises to share and exchange best practices, and to communicate externally in

[4] See A/HRC/17/31, annex.

an accessible form on how they address their adverse human rights impacts, including with information that is sufficient to evaluate the effectiveness and adequacy of the response to the particular human rights impact involved, particularly when concerns are raised by or on behalf of affected stakeholders, including by human rights defenders;

19. *Encourages* all States to engage in initiatives to promote effective prevention, accountability, remedy and reparations with a view to protecting the human rights of everyone, including human rights defenders, including from human rights abuses by business enterprises;

20. *Encourages* States to avail themselves of technical assistance in follow-up to the present and previous resolutions of the General Assembly and the Human Rights Council on the protection of human rights defenders, such as through collaboration, based on mutual consent, with national human rights institutions, regional organizations, the Office of the United Nations High Commissioner for Human Rights and relevant special procedures, and other relevant international agencies and organizations, and with other States;

21. *Invites* the Secretary-General to draw attention to the present resolution in the United Nations system and to continue to include alleged cases of reprisal and intimidation against human rights defenders addressing economic, social and cultural rights, and their family members, associates and legal representatives, in the annual report on cooperation with the United Nations, its representatives and mechanisms in the field of human rights;

22. *Invites* the Special Rapporteur to continue to address the situation of human rights defenders in the field of economic, social and cultural rights, including good practices and challenges, in his work and reporting, including through collaboration and coordination with relevant United Nations agencies, organizations and mechanisms, treaty bodies and other relevant special procedures, in accordance with the mandate;

23. *Decides* to remain seized of the matter.

65th meeting
24 March 2016

[Adopted by a recorded vote of 33 to 6, with 8 abstentions. The voting was as follows:

In favour:

Albania, Algeria, Bangladesh, Belgium, Botswana, Congo, Côte d'Ivoire, Ecuador, Ethiopia, France, Georgia, Germany, Ghana, India, Indonesia, Kyrgyzstan, Latvia, Maldives, Mexico, Mongolia, Morocco, Netherlands, Panama, Paraguay, Philippines, Portugal, Republic of Korea, Slovenia, South Africa, Switzerland, the former Yugoslav Republic of Macedonia, Togo, United Kingdom of Great Britain and Northern Ireland

Against:

Burundi, China, Cuba, Nigeria, Russian Federation, Venezuela (Bolivarian Republic of)

Abstaining:

Bolivia (Plurinational State of), El Salvador, Kenya, Namibia, Qatar, Saudi Arabia, United Arab Emirates, Viet Nam]